



SEATTLE HUMAN RIGHTS COMMISSION

BRIEFING MEMO

Date: May 7, 2007

To: Councilmember Nick Licata

From: Homeless Taskforce of the Seattle Human Rights Commission
Jay Wellington, Lubna M. Mahadeen, Marissa Chavez,
Shukri Olow (Get Engaged member), Charles Hodges (Community Resident)

Subject: Adding homeless as a protected group under Malicious Harassment Ordinance

Background

Significant data reveals that homeless people are at great risk of having violent crimes perpetrated against them solely because they are homeless. In 2006 alone there were 142 incidents of hate crimes and violent acts in the United States against people who were experiencing homelessness.

According to a report titled "Hate, Violence, and Death on main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness from 1999-2002" by the National Coalition for the Homeless, Seattle was ranked the 7th most dangerous city and Washington was ranked the 3rd most dangerous state for people facing homelessness. During this period there were 13 separate incidents of hate crimes in Washington State perpetrated against people on the basis of being homeless.

People that are homeless are an already vulnerable population. Seattle & King County Public Health reports that in 2005 ninety-four homeless people died and 9% of the deaths were due to homicide and 71% of all the incidents leading to death occurred in Seattle.

Despite the already disturbing figures listed above, this data highly underestimates the actual number of attacks based on information received from service providers. Al Poole, Homeless Intervention and Block Grant Administration Division Director for HSD, states that emergency shelters are opened during the winter holidays because of the dramatic increased violence against people who are homeless during that time. Most crimes go unreported due to many factors including mental illness, fear of reporting or retaliation, distrust of system, etc.

An alarming trend in the attacks against homeless people is the young age of the attackers. In the studies done by the National Coalition for the Homeless it was found that the majority of the attacks are perpetrated by youth ages 16 to 19 years old.

Revising the City's Code to Include the Homeless as a Protected Group

City Ordinance 120132 added a section on Malicious Harassment (SMC 12A.06.115) to include groups that aren't currently protected under the Washington State Malicious Harassment Law (RCW9A.36.078). Protections under the state law include: race, color, religion, ancestry, national origin, gender, sexual orientation or mental, physical and sensory handicaps.

Seattle's malicious harassment law expands on the state law by adding gender identity, marital status, political ideology, age or parental status. It reads:

"A person is guilty of malicious harassment if he or she maliciously and intentionally commits one (1) of the following acts because of his or her perception of another person's gender identity, marital status, political ideology, age, or parental status"

Revising the ordinance to include homelessness will require adding language to the ordinance to include people who are homeless. The Ten-Year Plan to End Homelessness, adopted by the City Council defines a homeless individual as:

In general, the term "homeless" or "homeless individual" includes an individual who lacks a fixed, regular and adequate nighttime residence; and an individual who has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations; an institution that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

Education and Outreach

If the ordinance is expanded, we would also propose a joint educational effort including the HRC, HSD and SOCR:

- Press release / press conference (HRC with potential involvement of Seattle King County Coalition for the Homeless, HSD and SOCR)
- Presentations for middle schools and high school students (SOCR and HRC)
- Presentations and materials to service providers (SOCR, 10 Year Plan's Speakers Bureau)
- Materials developed similar to card on hate crimes based on sexual orientation (SOCR)

Timeline

The Commission has been discussing this potential change with SOCR, HSD and SPD to ensure that meaningful results would occur. We would like to present the proposed language to your committee during the 2nd quarter, and once passed, would work with community based organizations and the above-referenced departments to ensure the new policy is known. The educational and outreach campaign with a special focus on youth would be launched in the fall. I will call your office to schedule time to discuss this proposal.